

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

PLAINTIFF,

V.

\$6,200.00 IN UNITED STATES CURRENCY,

DEFENDANT.

Civil No. 10-3097 (PAM/JSM)

DEFAULT JUDGMENT AND
FINAL ORDER OF
FORFEITURE

Based on the motion of the United States for an order granting default judgment against all unknown persons and entities having an interest in the defendant currency who have failed to file a verified statement of claim and answer, and for a final order of forfeiture forfeiting five thousand two hundred dollars and zero cents (\$5,200.00) of the defendant currency to the United States pursuant to the Stipulation for Settlement entered between the Plaintiff and Magnolia Smith; and based on all the files and records in this action, the Court finds as follows:

1. On July 23, 2010, a verified Complaint for Forfeiture *In Rem* was filed by the United States alleging that the defendant currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

2. On July 29, 2010, the Plaintiff served Joseph Kaminsky, as counsel for Magnolia Smith, by certified mail with a copy of the Notice of Judicial Forfeiture Proceedings, the Verified Complaint, the Affidavit In Support of Complaint, and the Warrant of Arrest and Notice *In Rem*.

3. Notice of this forfeiture action was posted on an official government internet

site (www.forfeiture.gov) for at least 30 consecutive days, beginning on July 24, 2010.

4. No verified statement of claim or answer to the Complaint for Forfeiture has been filed in this action, and the time for filing a verified claim and answer has expired.

5. On or about September 13, 2010, the Plaintiff and Magnolia Smith entered into a Stipulation for Settlement in this action.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. default judgment is entered against all unknown persons and entities having an interest in the defendant currency who have failed to file a verified claim and answer in this proceeding; and

2. all right, title and interest in five thousand two hundred dollars and zero cents (\$5,200.00) of the defendant currency is forfeited to and vested in the United States of America pursuant to 21 U.S.C. § 881(a)(6) for disposition in accordance with law;

3. the United States Marshals Service shall dispose of the five thousand two hundred dollars and zero cents (\$5,200.00) in accordance with law; and

4. the United States Marshals Service shall return one thousand dollars and zero cents (\$1,000.00) of the defendant currency to Magnolia Smith through her attorney of record Joseph Kaminsky, as provided for in the Stipulation for Settlement.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 30, 2010

s/Paul A. Magnuson
PAUL A. MAGNUSON, Judge
United States District Court